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8 **Attorneys for Plaintiffs**
9 **DSSDR, LLC and**
10 **ANDREW G. BENSINGER**

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 **DSSDR, LLC, a Florida Corporation; and**
15 **ANDREW G. BENSINGER, an Individual,**

16 **Plaintiffs,**

17 **vs.**

18 **ZENITH INFOTECH LTD, an Indian,**
19 **Corporation; AKASH SARAF, an**
20 **Individual; CONTINUUM MANAGED**
21 **SERVICES, LLC, a Delaware Corporation;**
22 **fka ZENITH RMM; MICHAEL GEORGE,**
23 **an Individual; SUMMIT PARTNERS, L.P.,**
24 **a Delaware Limited Partnership; and,**
25 **DOES 1 through 200, inclusive,**

26 **Defendants.**

27 **Case No.: CV 12-4336 JSW**

28 **STIPULATION FOR CHANGE OF**
OPPOSING AND REPLY SCHEDULES
ON (1) MOTIONS BY ZENITH
INFOTECH AND AKASH SARAF TO
DISMISS AND TO DISMISS THE
COMPLAINT OR TRANSFER CASE TO
ANOTHER VENUE AND (2) MOTION
BY CONTINUUM, MICHAEL GEORGE
AND SUMMIT PARTNERS TO
TRANSFER VENUE

and
ORDER

Date: December 14, 2012
Time: 9:00 AM
Dept: Courtroom 11
Judge: Hon. Jeffrey S. White

STIPULATION

WHEREAS, Plaintiffs commenced this action in the Superior Court of California for the County of Alameda on August 6, 2012;

1 WHEREAS, the matter was removed to the United States District Court for the Northern
2 District of California, San Francisco Division on August 16, 2012;

3 WHEREAS, on August 29, 2012 plaintiffs and defendants Continuum Managed Services,
4 LLC, Michael George and Summit Partners, L.P. (the "Continuum Defendants") entered into a
5 stipulation extending the Continuum Defendants' time to move, answer or otherwise respond to
6 the complaint;

7 WHEREAS, on September 5, 2012 plaintiffs and defendants Zenith Infotech and Akash
8 Saraf (the "Infotech Defendants") entered into a stipulation extending the Infotech Defendants'
9 time to move, answer or otherwise respond to the complaint;

10 WHEREAS, on October 4, 2012, the Infotech Defendants filed their motion to dismiss
11 for improper venue pursuant to Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. §
12 1406(a) or, alternatively, to transfer venue pursuant to 28 U.S.C. § 1406(a) or, alternatively, to
13 transfer venue pursuant to 28 U.S.C. § 1404(a) and, as to Akash Saraf, to dismiss for lack of
14 personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2) (the "Infotech
15 Motion"), which is set for hearing on December 14, 2012;

16 WHEREAS, on October 4, 2012, the Continuum Defendants filed their Motion to
17 Transfer Venue Pursuant to 28 U.S.C. § 1404 (the "Continuum Transfer Motion"), which is set
18 for hearing on December 14, 2012;

19 WHEREAS, on or before October 18, 2012 plaintiffs' opposition or other opposing
20 papers are due to be filed in response to the Infotech Motion and the Continuum Transfer
21 Motion,

22 WHEREAS, each of the motions is substantive and plaintiffs' counsel is scheduled to be
23 out of state from October 11, 2012 returning to his office on October 22, 2012 and needs and has
24 requested additional time within which to prepare and file appropriate responses and defendants
25 are amenable, subject to Court approval, to an alteration of the schedule for opposition papers of
26 plaintiffs and reply papers of defendants to be filed, as set forth below.

27 **NOW, THEREFORE, IT IS STIPULATED AND AGREED**, subject to approval by
28 the Court, as follows:

STIPULATION AND ORDER ON MOTIONS SET FOR HEARING 12/14/12

1. Plaintiffs shall file their opposition to the Infotech Motion by November 9, 2012;
2. Plaintiffs shall file their opposition to the Continuum Transfer Motion by November 12, 2012;
3. The Infotech Defendants shall file their reply papers in support of the Infotech Motion by November 30, 2012;
4. The Continuum Defendants shall file their reply papers in support of the Continuum Transfer Motion by November 30, 2012.

IT IS SO STIPULATED.

DATED: October 12, 2012

LAW OFFICES OF PAUL J. STEINER

By: /s/
PAUL J. STEINER
Attorneys for Plaintiffs DSSDR, LLC and
ANDREW G. BENSINGER

DATED: October 12, 2012

GORDON & REES LLP

By: /s/
GORDON I. ENDOW
Attorneys for Defendants
ZENITH INFOTECH and AKASH SARAF

DATED: October 12, 2012

WEIL, GOTSHAL & MANGES LLP

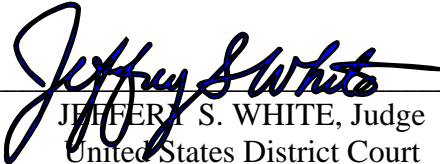
By: /s/
 RICHARD W. SLACK
 Attorneys for Defendants CONTINUUM
 MANAGED SERVICES, LLC, MICHAEL
 GEORGE and SUMMIT PARTNERS, L.P.

ORDER

Pursuant to the stipulation of the parties and good cause appearing, IT IS ORDERED that the opposing and reply paper due dates for the motions set for hearing on December 14, 2012 are altered and reset as follows:

1. Plaintiffs shall file their opposition to the Infotech Motion by November ²~~9~~, 2012;
2. Plaintiffs shall file their opposition to the Continuum Transfer Motion by November ²~~12~~, 2012;
3. The Infotech Defendants shall file their reply papers in support of the Infotech Motion by November ¹⁵~~30~~, 2012;
4. The Continuum Defendants shall file their reply papers in support of the Continuum Transfer Motion by November ¹⁵~~30~~, 2012.

DATED: October 14, 2012


JEFFERY S. WHITE, Judge
United States District Court
Northern District of California